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 United States of America

UNITED STATES DISTRICT COURT  
 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
 WESTERN DIVISION

UNITED STATES OF AMERICA,	)	NO. CV 06-7426 ODW(PLAx)
	)	
Plaintiff,	)	
	)	<u>CONSENT JUDGMENT OF</u>
v.	)	<u>FORFEITURE</u>
	)	
558 VARIOUS FIREARMS,	)	
	)	
Defendants,	)	
	)	
RICHARD DODGE,	)	
	)	
Claimant.	)	
	)	

This action was filed on November 20, 2006. The government filed its Verified First Amended Complaint on March 20, 2007 ("Complaint"). Notice was given and published in accordance with law. Richard Dodge ("claimant") filed a claim on May 15, 2007 and an answer on May 25, 2007. No

1 other claims or answers have been filed, and the time for  
2 filing claims and answers has expired.<sup>1</sup> Plaintiff and  
3 claimant have reached an agreement that is dispositive of the  
4 action. The parties hereby request that the Court enter this  
5 Consent Judgment of Forfeiture.

6 **WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

7 1. This court has jurisdiction over the parties and  
8 the subject matter of this action.

9 2. Notice of this action has been given in accordance  
10 with law. All potential claimants to the defendant 558  
11 Various Firearms except Richard Dodge are deemed to have  
12 admitted the allegations of the Complaint. The allegations  
13 set out in the Complaint are sufficient to establish a basis  
14 for forfeiture.

15 3. The parties have agreed to dispose of the defendant  
16 Firearms as designated on attached Exhibit A. In the  
17 disposition column, "S" designates that the firearm shall be  
18 sold through a Federal Firearms Licensee, specified below,  
19 and the proceeds from the sale of such firearm returned to  
20 claimant Richard Dodge. "R" designates that the firearm  
21 shall be returned as specified below. "F" designates that  
22 the firearm shall be forfeited to the United States  
23 government and disposed of according to law.

24  
25  
26 <sup>1</sup> On February 8, 2008, the government filed its Motion for  
27 Default Judgment Against Potential Claimants Laura Guelff, Landon  
28 Guelff, and All Other Potential Claimants With the Exception of  
Marlina Matero, Michael Tupper, Bruce Douglas, Bhrian Resnik and  
Richard Dodge, which this court granted on April 11, 2008.

1           4.    On June 12, 2008, claimant Richard Dodge inspected  
2 the firearms designated with an "S" or an "R" for signs of  
3 damage resulting from the seizure or post-seizure storage of  
4 said firearms. Claimant Richard Dodge agrees to the list of  
5 firearms designated with an "S" or an "R" on an as is basis,  
6 based upon the condition at the time of inspection. The  
7 United States of America agrees to maintain and deliver all  
8 firearms designated with an "S" or an "R" in the same  
9 condition as at the time of inspection.

10          5.    The United States of America shall have judgment as  
11 to the 508 defendant Firearms designated with a "F" in the  
12 disposition column of Exhibit A. No other person or entity  
13 shall have any right, title or interest in the forfeited  
14 firearms. The Bureau of Alcohol, Tobacco, Firearms and  
15 Explosives ("ATF") is ordered to dispose of said assets in  
16 accordance with law.

17          6.    The 44 defendant Firearms designated with a "S" in  
18 the disposition column of Exhibit A shall be sold through  
19 Federal Firearms Licensee Peter Harrington Shepard  
20 ("Shepard"), license number 9-77-083-01-9D-34733, 1246 N.  
21 Ontare Road, Santa Barbara, CA 93105. Proceeds from the sale  
22 of such firearms shall be paid by Shepard to claimant Richard  
23 Dodge. Claimant Richard Dodge may, upon agreement of the  
24 parties, sell any of the 44 defendant Firearms designated  
25 with an "S" in the disposition column of Exhibit A through an  
26 alternative Federal Firearms Licensee, the identity of whom  
27 must also be agreed to by the parties. Any such sales shall  
28 be conducted in accordance with the express terms of this

1 agreement and in accordance with all applicable laws.

2       7. The 5 defendant Firearms designated with a "R" in  
3 the disposition column of Exhibit A, which have been  
4 characterized by claimant Richard Dodge as "family" heirlooms  
5 or firearms which have particular sentimental value, shall be  
6 returned and transferred through a Federal Firearms Licensee  
7 to, and held by, Tal Vernon or Helen Marie Payne (the parents  
8 of Cheryl Dodge, who is the wife of claimant Richard Dodge)  
9 at their home in Campbell, CA. It has been represented to  
10 the government that such persons are not prohibited from  
11 possessing the firearms, and that such firearms may be  
12 lawfully transferred to them.

13       8. The defendant L.A.R. Grizzly B-Bore rifle, serial  
14 number X001803, designated with an "R" in the disposition  
15 column of Exhibit A, which has been characterized by claimant  
16 Richard Dodge as a "family" heirloom or a firearm which has  
17 particular sentimental value, will be returned to Cheryl  
18 Dodge (who is currently authorized to possess such a firearm  
19 and is a joint registered owner of that firearm), on  
20 condition that claimant Richard Dodge is removed from the  
21 registration for that firearm. This firearm shall be held in  
22 accordance with all applicable laws, including California  
23 Penal Code section 12285 subsection (c). It has been  
24 represented to the government that the firearm, when not in  
25 use, will be securely stored by Cheryl Dodge in a locked safe  
26 located at the Dodges' second home in Paso Robles, CA. It  
27 has also been represented to the government that the son of  
28 Richard and Cheryl Dodge, Kyle Dodge, will not have access to

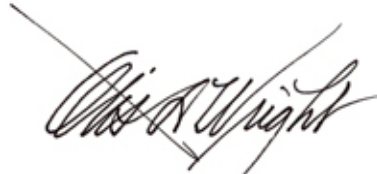
1 or possession of L.A.R. Grizzly B-Bore rifle, serial number  
2 X001803.

3 9. Claimant Richard Dodge hereby releases the United  
4 States of America, its agencies, agents, and officers,  
5 including employees and agents of the ATF, from any and all  
6 claims, actions or liabilities arising out of or related to  
7 this action, including, without limitation, any claim for  
8 attorneys' fees, costs or interest which may be asserted on  
9 behalf of the claimant, whether pursuant to 28 U.S.C. § 2465  
10 or otherwise. Each party waives any right to appeal.

11 10. The Court finds that there was reasonable cause for  
12 the seizure of the defendant Firearms and institution of  
13 these proceedings. This judgment shall be construed as a  
14 certificate of reasonable cause pursuant to 28 U.S.C. § 2465.

15 11. The Court retains jurisdiction over this case and  
16 the parties hereto to effectuate the terms of this Consent  
17 Judgment.

18 DATED: \_\_\_\_ July 8, 2008



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THE HONORABLE OTIS D. WRIGHT II  
UNITED STATES DISTRICT JUDGE

21  
22  
23  
24 [Signatures of the parties follow on the next page.]  
25  
26  
27  
28

**Approved as to form and content:**

DATED: June \_\_\_\_, 2008      THOMAS P. O'BRIEN  
United States Attorney  
CHRISTINE C. EWELL  
Assistant United States Attorney  
Chief, Criminal Division  
STEVEN R. WELK  
Assistant United States Attorney  
Chief, Asset Forfeiture Section

\_\_\_\_\_  
/s/

P. GREG PARHAM  
Special Assistant United States Attorney  
  
Attorneys for Plaintiff  
United States of America

DATED: June \_\_\_\_, 2008      TRUTANICH-MICHEL, LLP

\_\_\_\_\_  
JASON A. DAVIS  
Attorney for Claimant Richard Dodge